IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2409 of 2007()

C.R.NO.28/2007 OF KAYAMKULAM EXCISE RANGE
CMP.529/2007 of J.M.F.C.-II, HARIPAD

PETITIONER/ACCUSED

RAJENDRAN,
VAZHAPPALLI, EVOOR THEKKUM MURI,
PATHIYOOR VILLAGE.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENT: COMPLAINANT

STATE REPRESENTED BY EXCISE INSPECTOR,
KAYAMKULAM EXCISE RANGE, BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SMT.LAKSHMI RANI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

B.A. NO. 2409 OF 2007

Dated this the 20th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in C.R. No.28 of 2007 of Kayamkulam Excise Range. The offences alleged against him are under Sections 8(i) and 8(ii) and 55(a) of the Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class-II, Haripad, but the same was dismissed by the order dated 19.3.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner is in judicial custody from 17.3.2007

onwards. The prosecution case is that the petitioner was found in possession of ten litres of coloured illicit liquor.

In the facts and circumstances of the case and taking into account the fact that the petitioner is in custody from 17.3.2007 onwards, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class II, Haripad.

(K.T.SANKARAN)
Judge

ahz/